

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1615
Applicant : George F. Vande Woude et al.
Appln. No. : 10/563,616
Filing Date : August 9, 2006
Conf. No. : 1900
For : INHIBITION OF TUMOR ANGIOGENESIS BY COMBINATION OF
THROMBOSPONDIN-1 AND INHIBITORS OF VASCULAR
ENDOTHELIAL GROWTH FACTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

RESPONSE AND AMENDMENT

In response to the Office Action mailed March 25, 2009 ("Office Action"), please consider the following response. In the Office Action, the Examiner stated (a) restriction is required under 35 U.S.C. §121 and 35 U.S.C. §372 and (b) Applicant is required to elect a group of claims for prosecution between Groups I and II. The Office Action also provides that Group I (claims 1-21) of the claims is drawn to a method of inhibiting tumor angiogenesis comprising administering an effective amount of an antiangiogenic factor and an inhibitor of angiogenic pathway or protein. Group II (claims 22-46) is drawn to a composition comprising an antiangiogenic factor and an inhibitor of angiogenic pathway or protein.

Applicants note that they filed a Preliminary Amendment on January 6, 2006, amending and canceling various claims. The Office Action did not recognize that Preliminary Amendment. Applicants respectfully contend that the following claims are now pending in the present application: 1, 5, 7-13, 16-18, 20-22, 26, 28-34, 37, 38, and 40-46. Applicants provisionally elect Group I without traverse. Claims 1, 5, 7-13, 16-18, 20, and 21 encompass the invention.

Applicant : George F. Vande Woude et al.
Appln. No. : 10/563,616
Page : 2

Further, the Office Action indicates that Applicants are required to elect a single species from each three groups of species: (a) the antiangiogenic factors or agonists listed in claims 2, 3, 23, 24; (b) the angiogenic proteins listed in claims 4, 5, 25, 26; and (c) the inhibitors listed in the claims 6-10, 14-19, 27-31, 38 and 39. As indicated above, the claims have been amended and some claims canceled by the January 6, 2006 Amendment.

As to species group (a): claims 2 and 3 have been canceled; Applicants have amended claim 1 to recite TSP-1, an anti-angiogenic derivative thereof, or a TSP-1 agonist or mimetic, and amended claim 13 to recite TSP-1; Applicants elect TSP-1; and claims 1, 5, 7-13, 16-18, 20, and 21 cover the elected invention.

As to species group (b): claim 4 has been canceled; Applicants have amended claim 1 to recite HGF/SF or the HGF/SF receptor Met, VEGF or the VEGF receptor, or all of these proteins, and claim 13 has been amended to recite VEGF; Applicants elect VEGF; and claims 1, 5, 7-13, 16-18, 20, and 21 cover the elected invention.

As to species group (c); claims 6, 14, and 15 have been canceled; Applicants have amended claim 5 to recite a VEGF inhibitor or a VEGF receptor inhibitor; Applicants elect a VEGF inhibitor and an anti-VEGF antibody; and claims 5, 7, 8, 13, and 16-18 cover the elected invention.

All pending claims are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited. If the Examining Attorney has any questions regarding this election, Applicants respectfully request that the Examining Attorney contact the

Applicant : George F. Vande Woude et al.
Appln. No. : 10/563,616
Page : 3

undersigned at the telephone number indicated below or email the undersigned at
dsiegel@priceheneveld.com.

Respectfully submitted,

May 22, 2009

Date

/Douglas H. Siegel/

Douglas H. Siegel, Registration No. 34 251
Price, Heneveld, Cooper, DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

DHS/alw